S.B.Civil Writ Petition No.7999/2007
Kanta Rani & ors. vs. Roshan Lal & ors.

Date of order: 5.12.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr. G.R. Goyal for the petitioners.

...

Heard learned counsel for the petitioners.

The petitioner's objection raised during course of cross-examination about admissibility of the deed dated 7.2.2000 Ex.A.1 was rejected by the trial court. According to the learned counsel for the petitioners, Ex.A.1, copy of which has been placed on record in this writ petition as Annex.3, is a relinquished deed and not the affidavit. The trial court committed error of law in holding the said deed to be an affidavit only.

The learned counsel for the petitioners relied upon the word "अब" used in para 1 and 2 of the affidavit and submits that in view of the above fact, from the deed when the said deed Ex.A.1 was executed, one of the parties Shyam Sunder wants to become owner of the property, thereby the share stands relinquished from the date of execution of the deed itself.

I considered the submissions of the learned counsel for the petitioners and perused the deed dated 7.2.2000 (Annex.3).

The one word used in para 1 and 2 ("अब") is not decisive but the entire language used in the deed clearly discloses that this was the

affidavit executed by the executant for admitting the rights of one Shyam Sunder and not it is a deed relinquishing the share in the property. I do not find any illegality in the order passed by the trial court while recording the evidence.

There is no merit in this writ petition and the same is hereby dismissed.

(PRAKASH TATIA),J.

mlt.